

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

VAQUERIA TRES MONJITAS, INC., SUIZA
DAIRY, INC.,

Plaintiff(s),

v.

JAVIER A. RIVERA AQUINO, et al.,

Defendant(s).

Civil No. 04-1840 (DRD)

PUERTO RICO DAIRY FARMERS
ASSOCIATION,

Plaintiff(s),

v.

JAVIER A. RIVERA AQUINO, et al.,

Defendant(s).

Consolidated with 08-2191 (DRD)

Consolidated with 08-2380 (DRD)

ORDER TO SHOW CAUSE

After reviewing the Puerto Rico Dairy Farmers Association (“PRDFA”)’s *Emergency Request For Temporary Restraining Order*, Docket No. 1784, the supporting exhibits, and the unsworn statements under penalty of perjury, and the *Memorandum Of Law In Support Of The Puerto Rico Dairy Farmers Association’s Urgent Motion For Temporary Restraining Order*, Docket No. 1785, and after holding a telephone conference with counsel of all interested parties available, to wit, PRDFA, defendants, Vaquería Tres Monjitas, Suiza Dairy and Indulac, the Court hereby issues an order directing defendants, Javier A. Rivera Aquino, in his official capacity as the Secretary of Agriculture for the Commonwealth of Puerto Rico, and Cyndia E Irizarry Casiano, in her official capacity, as Administrator of the Office of the Milk Industry Regulatory Administration for the Commonwealth of Puerto Rico (“ORIL”), to show cause as to why the preliminary injunction requested by the PRDFA should not be issued. The defendants, however, shall also

show cause why the price adjustment requested by the PRDFA should not be extended *a pro rata* to the milk processors, the retailers, Indulac, and the consumer, among others, meaning that the price adjustments to be made to the farmers are also to be adjusted *a pro rata* to the milk processors, retailers, Indulac and the consumers. *See Administrative Order of July 22, 2008*, Docket No. 938-3, page 4.

ORIL is ordered to issue an order amending the prices of milk pursuant to the Regulation No. 12 of July 22, 2008, and the Administrative Order of July 22, 2008, Docket entries No. 938-4, 938-3, including its position as to the automatic price adjustment to the different sectors of the Milk Industry, pursuant to Section 10 of the Regulation No. 12. ORIL's order amending the milk prices shall be issued on or before December 30, 2010. No extensions of time shall be granted.

Defendants and all interested parties are hereby granted the opportunity to answer and/or object in writing to PRDFA's *Emergency Request For Temporary Restraining Order*, Docket No. 1784, on or before January 10, 2011 at 5:00 p.m., PRDFA is granted until January 11, 2011 to reply, if necessary. Any legal memorandums to be filed by the parties shall not exceed five (5) pages. No extensions of time shall be granted.

The parties shall appear before the Court for an evidentiary hearing set for **January 12, 2011 at 9:00 a.m.** The Court shall work all day until the matter is deemed submitted. Defendants are forewarned that failure to strictly comply with any of the terms of this *Order To Show Cause* may result in the issuance of the preliminary injunction requested by the PRDFA.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 21st day of December, 2010.

s/Daniel R. Domínguez
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE